

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DONNA D. SMITH, Individually and on)	
Behalf of All Others Similarly Situated,)	
)	
Plaintiff,)	
)	Case No. CIV-08-629-M
v.)	
)	
J&K DELIVER, L.L.C. d/b/a J&K)	
DELIVERY and JEFFREY J. MORISE,)	
)	
Defendants.)	

ORDER

On this date, came on for consideration Plaintiff's Motion for Summary Judgment with Brief in Support (Docket Entry No. 57). Plaintiff and the Opt-In Plaintiffs appeared by and through counsel. Defendants, although having been provided with notice and a copy of the motion, wholly failed to appear or respond to the motion, despite being given notice as required by the Federal Rules of Civil Procedure, of which this Court deems confessed pursuant to LCvR7.1(g).

The Court, after considering Plaintiff's motion and arguments and authorities cited therein, the summary judgment evidence, and evidence on file, finds that Plaintiff's motion should be in all things GRANTED. Additionally, based on the evidence submitted, Plaintiff and the Opt-In Plaintiffs are entitled to the following damages for unpaid overtime wages and liquidated damages as provided by the Fair Labor Standards Act: Twenty Two Thousand, Nine Hundred and 80/100 Dollars (\$22,900.80) for Donna Smith¹; Three Thousand, Five Hundred Two and 80/100 Dollars (\$3,502.80) for Debra Bailey; Thirty-One Thousand, Two Hundred Forty and 00/100 Dollars (\$31,240.00) for Roland Lofton; Twenty-Two Thousand, Two Hundred 00/100 Dollars (\$22,200.00)

¹Plaintiff Donna D. Smith award of actual and liquidated damages were reduced to reflect that she work 156 weeks during the three-year period, rather than 172 weeks as proffered in the motion.

for Scott Sims; Thirty-One Thousand, Five Hundred Twenty-Eight and 00/100 Dollars (\$31,528.00) for James Lackey; Thirteen Thousand, Six Hundred Twenty-Two and 40/100 Dollars (\$13,622.40) for Kathy Potemra; Six Hundred and 00/100 Dollars (\$600.00) for Chrystal Murphy; Seven Thousand, Eighty and 80/100 Dollars (\$7,080.80) for Jennifer Acker; and Five Hundred Thirty-Four and 40/100 Dollars (\$534.40) for Laurie Miller.

The Court further finds that Plaintiff and Opt-In Plaintiffs are entitled to recover their attorney's fees and costs. The Court DIRECTS Plaintiff and Opt-In Plaintiffs to provide supporting documentation for determination of reasonable and necessary attorney's fees and costs within fifteen (15) days of this Order.

IT IS SO ORDERED on this 30th day of October, 2009.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE